

**Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Small Entity)**

4 DAC / 7
Docket No.
COTE/971/US

In Re Application Of: **Armand Cote**

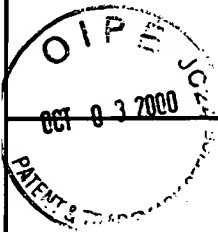
Serial No.
09/140,049

Filing Date
08/26/98

Examiner
Glessner, B.

Group Art Unit
3635

Invention: **Breakaway Utility Pole**



RECEIVED
OCT 06 2000

ASSISTANT COMMISSIONER FOR PATENTS

Attention: Office of Petitions

Box DAC

Washington, D.C. 20231

OFFICE OF PETITIONS

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. ☒ A proposed reply to the above-identified Office Action:

☒ is enclosed. ☐ was filed on _____

The proposed reply is in the form of: **the enclosed response with amendments**

2. ☐ The issue fee:

☐ is enclosed. ☐ was paid on _____

3. ☒ A small entity declaration:

☐ is enclosed. ☒ was filed on **08/26/98**

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605.00 OP

4. ☒ The abandoned application was a:

☐ design application. ☒ utility application. ☐ plant application.

5. ☐ A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.

6. ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

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Invention: **Breakaway Utility Pole**

Calculation and Payment of Fees

Enclosed are the following fees:

7. ☒ Petition fee under 37 CFR 1.17(m) in the amount of: \$605.00
8. ☐ Fee for amendment in the amount of: _____
9. ☐ Fee for extension of time to reply to Office Action in the amount of: _____
10. ☐ Issue fee in the amount of: _____
11. ☐ Continuing application filing fee in the amount of: _____
12. ☐ Terminal disclaimer fee in the amount of: _____
13. ☐ _____

Total fees enclosed: \$605.00

The fee of **\$605** is to be paid as follows:

- ☒ A check in the amount of the fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **04-1130**
- A duplicate copy of this sheet is enclosed.

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3635

Invention: **Breakaway Utility Pole**

Statement

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

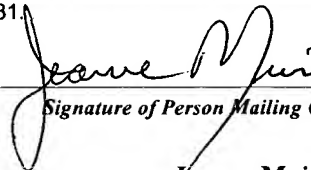


Signature

Dated: **09/27/00**

Brian M. Dingman
Reg. No. 32,729

I certify that this document and fee is being deposited
on **9/28/00** with the U.S. Postal Service as
first class mail under 37 C.F.R. 1.8 and is addressed to the
Assistant Commissioner for Patents, Washington, D.C.
20231.



Signature of Person Mailing Correspondence

Jeanne Muir

Typed or Printed Name of Person Mailing Correspondence

CC:



MIRICK O'CONNELL
ATTORNEYS AT LAW
MIRICK, O'CONNELL, DEMALLIE & LOUGEE, LLP

September 28, 2000

Commissioner of Patents and Trademarks
U.S. Patent and Trademark Office
Washington, DC 20231

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OFFICE OF PETITIONS

SUBJECT: Applicant: Armand Cote
Serial No: 09/140,049
Filed: 8/26/00
For: Breakaway Utility Pole
Examiner: Glessner, B.
Group: 3635
Docket No: COTE/971/US

Dear Sir:

Enclosed is a Response in reply to the Office Action mailed June 29, 1999, in the subject application. Also enclosed is a Petition for Revival of An Application for Patent Abandoned Unintentionally. A check in the amount of \$605.00 for the fee is enclosed.

If for any reason this Response is found to be incomplete, or if at any time it appears that a telephone conference with counsel would help advance prosecution, please telephone the undersigned in Westboro, Massachusetts (508) 898-1818.

If any payment during prosecution is found to be insufficient or if any overpayment is found, please charge any deficiency or credit any overpayment to my deposit account number 04-1130. A copy of this letter is enclosed for use by the Finance Branch in the event that it is necessary to make any charge or credit to my deposit account.

Kindly acknowledge receipt of the foregoing by returning the enclosed self-addressed postcard.

Very truly yours,



Brian M. Dingman

BMD:jam
Enclosure